

## Office of Professional Accountability (OPA)

### Commendations & Complaints Report

### February 2006

#### Commendations:

Commendations Received in February: 21

Commendations Received to Date: 49

| <b>Alphin, Michael<br/>McRae, Craig</b>  | A letter was received by officers for their attention to the dumping of waste in a residential area. They were professional, polite and caring in addressing the problem in the neighborhood.  |
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| <b>Buxton, Wesley<br/>Chittenden, Jason<br/>Sprecher, Richard</b>                | Three officers received a thank you note for their response to a stolen vehicle call. They were very professional and understanding of the frustration and anger.  |
| <b>Ceja, Ricardo</b>   | Officer Ceja received a thank you letter on how he responded to a disturbance. He was able to resolve a car incident between two neighbors in a professional and personable manner.  |
| <b>Chartrand, Eric<br/>Cooney, Michael<br/>Leufroy, Kirby<br/>Little, Robert</b> | Detectives received a letter commending their actions in investigating a burglary. The investigation resulted in the arrest and prosecution of the people responsible.   |
| <b>Dejesus, Samuel</b>   | A letter of thanks was sent to Det. DeJesus for his investigation of a burglary which led to the recovery of some of the victims property and the identity of the suspect.   |
| <b>Lee, Pablo<br/>Turner, Raymond</b>  | A reported stolen vehicle taken during a car jacking was equipped with a silent alarm system and was tracked and recovered within minutes of activation. Officers were commended for their quick response.   |
| <b>Pirak, John</b>   | A letter of appreciation was received by Mr. Pirak for his assistance in the selection process for the Deputy Director of Emergency Management position with the Whatcom County Sheriff's Office. His insight and observations were most appreciated.  |
| <b>Rusness, Roger</b>  | Sgt. Rusness was commended for his dedicated effort in contributing to the Street Gang Tracking Group database and his overall commitment to the Western States Information Network. He has made significant contributions.  |
| <b>Summers, Michael</b>  | A letter of thanks was received by the dispatcher for his appropriate referral to two citizens in need of transportation. He was both helpful and resourceful.   |
| <b>Sweetland, Joel</b>   | A special thanks and recognition was given to Sgt. Sweetland for his service to the Belltown Business community. He was presented with the Officer Appreciation Award for his enthusiasm and willingness to work with members of the Belltown community to make the neighborhood safer.              |
| <b>Tello, Fran<br/>Warner, Erik</b>  | A letter of appreciation was received by two officers for helping the International Parking Management to improve safety and security of parking facilities by conducting personal evaluations and suggestions that have significantly reduced and in some cases eliminate car prowls and vandalism. |
| <b>Webster, Richard</b>  | Victim Advocate Webster was commending for his assistance in a special assault case. His persistence and determination helped the victim through the case. The assault occurred in 2004 and resolved in 2005. The suspect was sentenced to 16 years in prison.                                       |
| <b>Young, C.</b>   | The detective was commended for his assistance in interviewing a potential victim and obtaining a thorough statement from the victim for another law enforcement agency.   |

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## February 2006 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

Cases are reported by allegation type. One case may be reported under more than one category.

### CONDUCT UNBECOMING AN OFFICER

| Synopsis  | Action Taken  |
|---|---|
| The complainant alleged that the named officer was extremely rude, threatening, and aggressive when he stopped her. | The named officer is a retired officer who has a commission to direct traffic at the ferry terminal. He confronted the complainant when she made a prohibited right turn. He admits yelling at the complainant when she startled him by driving up so close to him. The evidence showed that the officer should have been alert to cars making that turn. His actions in yelling and his inflammatory statements appeared punitive and served no legitimate law enforcement function. Finding—SUSTAINED.  |
| Complainant alleges that property was seized inappropriately and that he was threatened during a citywide event.    | In an attempt to manage possible gang activities, SPD employees did seize colored bandanas that could have indicated gang affiliations. The accounting for and eventual disposal of these items was not consistent with departmental policy. While this complaint was directed at an individual employee, the department believed the practice was more pervasive than this one complaint and has taken action to brief the entire chain of command to prevent possible recurrence. FINDING—SUPERVISORY INTERVENTION<br><br>The available evidence regarding the alleged threat could not support or negate the allegation. FINDING—NOT SUSTAINED |

### VIOLATION OF LAW

| Synopsis   | Action Taken  |
|--|---|
| It was alleged that the named employee, while off-duty and operating his personal vehicle, was driving while intoxicated and became involved in a single car accident. | The evidence supports the allegation. The employee was cited, stipulated to Driving Under the Influence, and received a suspended/deferred sentence. Finding—SUSTAINED.   |
| Complainant alleged that the named employee grabbed him during a physical altercation and threw him to the ground.   | This incident involved an off-duty employee intervening in an argument between his wife, also a SPD employee, and a citizen. Incident occurred in January 2004. It was determined that the force used was unnecessary and excessive—SUSTAINED |

**IMPROPER SEARCH**

|   |   |
|---|---|
| <p>It was alleged that the named employees entered a motel room without lawful justification. It was also alleged that one employee used unnecessary force, and failed to document the use of that force. In addition, it was also alleged that the employees made derogatory comments, including profanity, directed at the motel owner.</p> | <p>The named employees responded to the motel to look for a person of interest in a shooting. They told the motel owner they were looking for a warrant suspect and asked him to open the door. The officers did not have a warrant, and did not ask for consent to enter or search. Finding IMPROPER SEARCH--SUSTAINED.</p> <p>The evidence showed that one officer upon entry, grabbed the jaw of one subject lying on a bed, and told him not to move. The officer articulated legitimate officer safety reasons for the contact. Finding UNNECESSARY FORCE--SUPERVISORY INTERVENTION.</p> <p>However the subject complained of pain, which triggered mandatory report of use of force under SPD policy. Finding FAILURE TO REPORT USE OF FORCE--SUSTAINED.</p> <p>The evidence could not prove or disprove the allegations that disparaging remarks were made. Finding CUBO--NOT SUSTAINED.</p> |
|---|---|

**February 2006 Cases Selected for Mediation:**

*Cases described below were referred for mediation.*

- The complainant alleged that the named employee didn't properly identify himself when the complainant asked for his name. He further stated that the employee told him he was going to impound his car. The complainant believes that the employee was harassing him because of his race.
- The complainant alleged that the named employee was rude and intimidating during a traffic stop. He further stated that the employee failed to immediately return his driver's license, but rather sent it in the mail, which he received several days later.

**Definitions of Findings:**

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**Referred for Supervisory Resolution.**

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

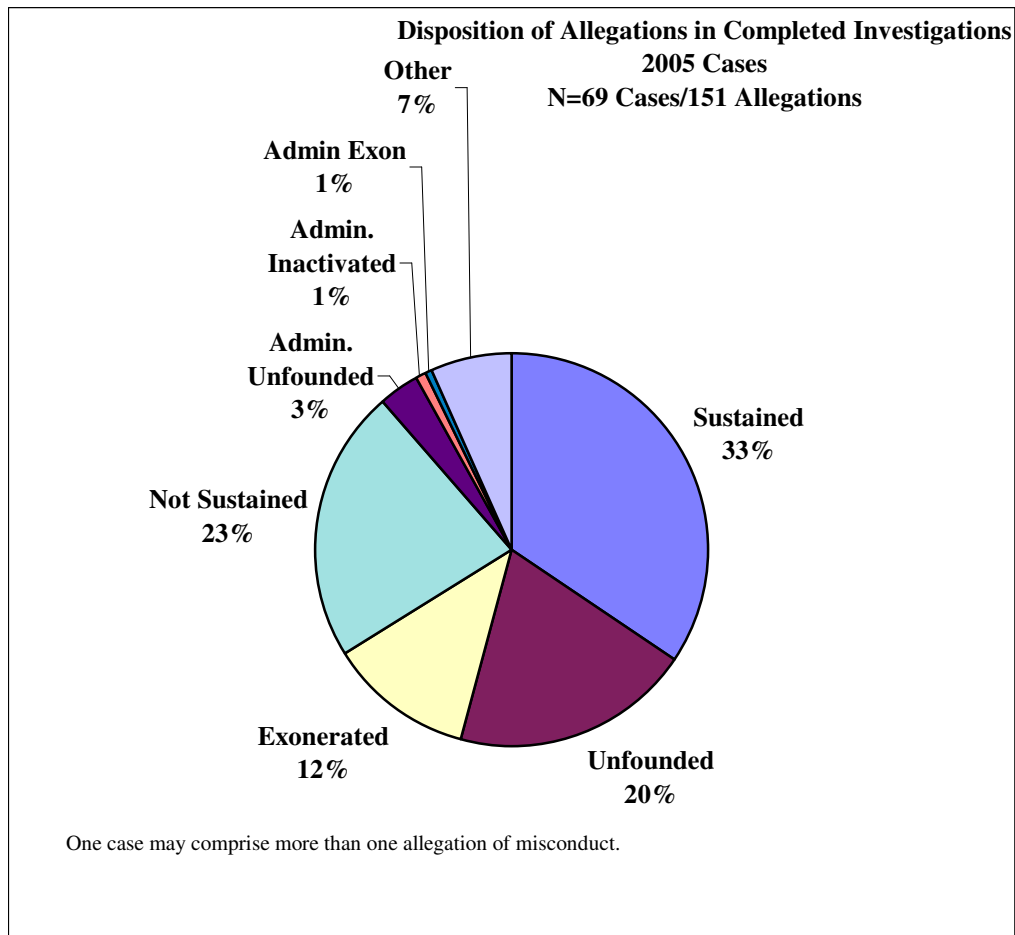
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date: 2005 Contacts

|  | December 2005 | Jan-Dec 2005 |
|--|---------------|--------------|
| Preliminary Investigation Reports        | 23            | 315          |
| Cases Assigned for Supervisory Review    | 5             | 77           |
| Cases Assigned for Investigation (IS;LI) | 8             | 210          |
| Cases Closed                             | 40            | 69*          |
| Commendations                            | 84            | 498          |

\*includes 2005 cases closed in 2006



## 2006 Contacts

|  | Feb 2006 | Jan-Dec 2006 |
|--|----------|--------------|
| Preliminary Investigation Reports        | 17       | 34           |
| Cases Assigned for Supervisory Review    | 4        | 17           |
| Cases Assigned for Investigation (IS;LI) | 16       | 36           |
| Commendations                            | 21       | 49           |